

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02047-JEB**

ELECTRONIC PRIVACY INFORMATION CENTER v.
UNITED STATES DEPARTMENT OF HOMELAND
SECURITY

Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 10/04/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Marc Rotenberg**
ELECTRONIC PRIVACY
INFORMATION CENTER
1718 Connecticut Avenue, NW
Suite 200
Washington, DC 20009
(202) 483-1140, ext 106
Fax: (202) 483-1248
Email: rotenberg@epic.org
ATTORNEY TO BE NOTICED

Alan Jay Butler
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Fax: (202) 483-1248
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ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

represented by **Marcia Kay Sowles**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 06/20/2018

| Date Filed | # | Docket Text |
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| 10/04/2017 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5145155) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney for the District of Columbia, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons U.S. Department of Homeland Security)(Butler, Alan) (Entered: 10/04/2017) |
| 10/04/2017 | <u>2</u> | Corporate Disclosure Statement by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 10/04/2017) |
| 10/04/2017 | | Case Assigned to Judge James E. Boasberg. (md) (Entered: 10/05/2017) |
| 10/05/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 10/05/2017) |
| 10/23/2017 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/11/2017. (Answer due for ALL FEDERAL DEFENDANTS by 11/10/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/17/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 10/16/2017 (Attachments: # <u>1</u> Affidavit of Mailing for the U.S. Attorney General, # <u>2</u> Affidavit of Mailing for the U.S. Department of Homeland Security)(Butler, Alan) (Entered: 10/23/2017) |
| 10/24/2017 | <u>5</u> | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 10/24/2017) |
| 11/13/2017 | <u>6</u> | NOTICE of Appearance by Lynn Yuhee Lee on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Lee, Lynn) (Entered: 11/13/2017) |
| 11/13/2017 | <u>7</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Lee, Lynn) (Entered: 11/13/2017) |
| 11/13/2017 | | MINUTE ORDER: The Court ORDERS that the parties shall meet, confer, and submit a proposed joint briefing schedule by November 27, 2017. So ORDERED by Judge James E. Boasberg on 11/13/2017. (lcjeb2) (Entered: 11/13/2017) |
| 11/13/2017 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 11/27/2017. (nbn) (Entered: 11/14/2017) |
| 11/27/2017 | <u>8</u> | PROPOSED BRIEFING SCHEDULE re Order by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 11/27/2017) |
| 11/28/2017 | | MINUTE ORDER: Per the parties' <u>8</u> Joint Proposed Schedule, the Court ORDERS that: (1) Defendant shall provide Plaintiff with an estimate of the time needed for processing and release of responsive records on or before February 1, 2018; (2) For category (A) documents Defendant shall search records created between January 1, 2016, and the date the search is initiated; (3) For category (B) documents Defendant shall search records created between March 30, 2017, and the date the search is initiated; and (4) The parties shall confer on a reasonable processing and production schedule and provide the court with a status report on or before February 8, 2018. So ORDERED by Judge James E. Boasberg on 11/28/2017. (lcjeb2) (Entered: 11/28/2017) |
| 11/28/2017 | | Set/Reset Deadlines: Status Report due by 2/8/2018. (nbn) (Entered: 11/29/2017) |
| 01/19/2018 | | Set/Reset Deadlines: Joint Status Report due by 2/20/2018. (znbn) (Entered: 01/19/2018) |
| 02/08/2018 | <u>9</u> | Joint STATUS REPORT and Proposed Schedule by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 02/08/2018) |
| 02/09/2018 | | MINUTE ORDER: Per the parties' <u>9</u> Joint Status Report, the Court ORDERS that: (1) DHS will process the 4,994 pages of potentially responsive records at a rate of 500 pages per month and release the non-exempt portions of the responsive records on a |

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| | | rolling production schedule; (2) The first interim production is due on March 15, 2018. Monthly productions will be made on the fifteenth of each month thereafter, unless the fifteenth is a weekend or federal holiday, in which case the production will be made on the next business day; (3) The rolling productions will be completed on or before January 15, 2019; and (4) Following the final production on January 15, 2019, the parties will confer and provide the court with a status report by January 31, 2019, to identify any remaining issues in dispute. So ORDERED by Judge James E. Boasberg on 2/9/2018. (lcjeb2) (Entered: 02/09/2018) |
| 02/09/2018 | | Set/Reset Deadlines: The first Interim Production is due by 3/15/2018. Final Production due by 1/15/2019. Joint Status Report due by 1/31/2019. (nbn) (Entered: 02/09/2018) |
| 06/20/2018 | <u>10</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Marcia Kay Sowles on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY Substituting for attorney Lynn Lee (Sowles, Marcia) (Entered: 06/20/2018) |
| 10/03/2018 | <u>11</u> | NOTICE of Change of Address by Marcia Kay Sowles (Sowles, Marcia) (Entered: 10/03/2018) |
| 01/31/2019 | <u>12</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 01/31/2019) |
| 02/01/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>12</u> Joint Status Report and ORDERS that they shall file a further joint status report on or before April 1, 2019, setting forth a proposed schedule for subsequent proceedings, including a proposed briefing schedule. So ORDERED by Judge James E. Boasberg on 2/1/2019. (lcjeb3) (Entered: 02/01/2019) |
| 02/04/2019 | | Set/Reset Deadlines: Status Report due by 4/1/2019. (znbn) (Entered: 02/04/2019) |
| 04/01/2019 | <u>13</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 04/01/2019) |
| 04/02/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>13</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report on or before May 1, 2019, setting forth a proposed schedule for subsequent proceedings, including a proposed briefing schedule if necessary. So ORDERED by Judge James E. Boasberg on 4/2/2019. (lcjeb2) (Entered: 04/02/2019) |
| 04/02/2019 | | Set/Reset Deadlines: Joint Status Report due by 5/1/2019. (znbn) (Entered: 04/02/2019) |
| 04/30/2019 | <u>14</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 04/30/2019) |
| 04/30/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>14</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by June 5, 2019, setting forth a proposed schedule for subsequent proceedings, including a proposed briefing schedule if necessary. So ORDERED by Judge James E. Boasberg on 4/30/2019. (lcjeb2) (Entered: 04/30/2019) |